

REMARKS

In response to the Office Action mailed March 5, 2004, Applicant respectfully requests reconsideration. To further the prosecution of this application, the following discussion is provided. Claims 1-29 remain pending in this application, with claims 1, 9, and 19 being independent claims.

Telephone Interview

Applicant's representatives appreciate the courtesies extended by Examiner Nghiem in granting and conducting the telephone interview of May 4, 2004. In this interview, the standing rejection of claims 1-29 was discussed.

Claims 1-29 stand rejected under 35 U.S.C. § 102(b) as purportedly being anticipated by WO 97/01926 (PCT/US96/11014) to Butler (hereinafter Butler). Numbered paragraph 2 of the Office Action alleges that Butler does not belong to the same family as the present application due to an untimely filed priority claim. The alleged untimely priority claim was filed on October 3, 2002.

However, as discussed during the interview, the Utility Patent Application Transmittal of the present application, filed on June 14, 2001, included a priority claim to application serial no. 08/981,109, as indicated in box 19. The present application is a divisional of application serial no. 08/981,109 (which is now U.S. Pat. No. 6,274,869), which is a national phase of PCT application no. PCT/US96/11014, or Butler. The Utility Patent Application Transmittal also included a request that the specification be amended to indicate the relationship of the present application to application serial no. 08/981,109. The filing receipt mailed August 10, 2001 acknowledges this priority claim. Therefore, the priority claim, made at least as early as the time of filing of the present application, was timely made. Since application serial no. 08/981,109 is a national phase of PCT/US96/11014 (Butler), the present application is in the same family as Butler.

Applicant's representatives further explained that the amendment filed October 3, 2002 amended the first paragraph of the specification to update the status of application serial no.

08/981,109, as well as to clarify the relationship between the present application and PCT/US96/11014 (Butler). This amendment did not represent an untimely filed priority claim.

During the interview Applicant's representatives and Examiner Nghiem agreed that, by way of the above-mentioned Utility Patent Application Transmittal of the present application, Applicant did indeed make a timely priority claim to Butler, and therefore Butler may not serve as the basis of a rejection of the claims of the present application. At the Examiner's request, Applicant agreed to amend the first paragraph of the application to clarify the relationship between the PCT, parent, and divisional applications.

On May 12, 2004, Applicant's representative called Examiner Nghiem and requested clarification of the manner in which to amend the first paragraph. After reviewing the file, the Examiner agreed that the amendment filed October 3, 2002 was satisfactory. He requested that Applicant submit this response pointing out that a timely priority claim had been made at least as early as June 14, 2001, as described above. Applicant hereby submits the requested response, and, therefore, respectfully requests that the rejection of claims 1-29 be withdrawn.

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CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,
Neal R. Butler, Applicant

By: 

James M. Morris, Reg. No.: 34,681
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2211
Telephone: (617) 720-3500

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